

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Tex., Friday, Feb. 8, 1901.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—23.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Dibrell.	Staples.
Grinnan.	Turner.
Hanger.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.
Miller.	

Absent—6.

Harris of Bexar.	Neal.
Harris of Hunt.	Odell.
Lloyd.	Stafford.

Absent—Excused.

Goss.	Swann.
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Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

EXCUSED.

On motion of Senator Grinnan, Senator Harris of Bexar was excused from attendance upon the Senate until Monday morning on account of important business.

On motion of Senator Davidson of DeWitt, Senator Lloyd was excused from attendance upon the Senate until Monday morning on account of sickness.

On motion of Senator Hanger, Senator Stafford was excused from attendance upon the Senate until Tuesday morning on account of important business.

On motion of Senator Sebastian, Senator Neal was excused from attendance upon the Senate until Tuesday morning on account of important business.

On motion of Senator Patterson, Senator Harris of Hunt was excused from attendance upon the Senate today on account of important business.

PETITIONS AND MEMORIALS.

The Chair laid before the Senate memorials from the citizens of Bren-

ham; the Hillsboro Missionary Baptist Church, of Hillsboro, Texas; Woman's Christian Temperance Union No. 61, of Granbury, Texas; and Cumberland Presbyterian Church, of Hillsboro, Texas, asking the passage of an amendment to the local option law with reference to the shipment by express of liquors to local option districts.

Read, and referred to Committee on State Affairs.

Senator James presented the following petition:

Hon. C. O. James, Senatorial Representative.

We, the undersigned printers of Sulphur Springs, Texas, request our Representatives in the Honorable House of Representatives and the Senate of the State of Texas to oppose in every possible way the enactment of House bill No. 22, entitled "An Act requiring the commissioners courts to purchase from the lowest and best bidder all blank books and stationery supplies required by the several counties and prescribing the manner of contracting therefor."

We deem the bill unjust, discriminating, and calculated to defeat the very object for which it is intended, for the following reasons:

1. The classification is unfair. (A) The average country printer can bind all the small books, but by reason of his inability or incapacity to bind the larger books he would be deprived of the right to bid on the work. (B) Any competent country printer can print all blanks of No. 2 size and under, but by reason of not being facilitated to print the larger sizes, he could not bid on any part of the work. (C) Some of the articles of this class the local printer can supply, but others he cannot, and by reason of the fact that he does not deal in all of the articles enumerated he would be barred from bidding on any of them.

2. Its effect would be to entirely destroy competition for the reasons enumerated above.

3. The destruction of competition would mean an increase in price to the State.

4. But very few concerns in the State are equipped so as to furnish all the articles in all classes, but larger concerns in the North could do so, and by reason of the volume of the business could afford to make prices on some of the articles so low that the printers of Texas who are equipped for the work could not meet their bids on them, whereas the Northern printer could charge more for the work which the Texas printer could

not do, thereby increasing the price of the whole to the State.

5. We believe a free and open competition in everything is best for the State, and whereas, this bill if it becomes a law will effectually destroy competition, thereby increasing the price of the printing matter to the State; it will in all probability be the means of all of the printing required by the State being printed in the North, thereby taking the money of Texas tax-payers and giving it into the hands of Northern concerns, not only resulting in a direct loss to the State, but to the individual as well.

For the reasons above noted, and for the further reason that other States which have tried this plan have found it to be not only costly, but outrageously unfair, and have, after a fair trial repealed the enactments, we ask our Representatives to work against, to vote against, and oppose in all honorable means, the adoption of this measure.

Signed—McDaniel Printing Co., Tate & Higgins, I. W. Avern, Gazette Publishing Co., W. W. Tate, J. S. Howell, S. E. Tate, W. C. Brown, J. A. Gunter, Rayburn Connally, H. W. Thalen, Robt. L. Tate.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 7, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 156, being a bill to be entitled "An Act to quiet the titles to lands in persons holding under patents issued by the State of Texas in good faith which in fact belong to the public free school fund,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendations that it *do pass* with the following committee amendment:

"Amend by inserting in line 1, of Section 1 of original bill, between the words 'lands' and 'heretofore' the words 'in Fannin county.'"

SEBASTIAN, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 8, To amend Section 18, Article 5, of the Constitution of the State of Texas, prescribing the jurisdiction of commissioners courts,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON of DeWitt, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 5, Amending the Constitution of the State of Texas, by adding thereto Article 11a, so as to allow incorporated cities and towns, by vote of the tax-payers thereof, to exempt for a term of years from local taxation certain species of property,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON of DeWitt, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 7, To amend Section 9, Article 8, of the Constitution of the State of Texas, relating to taxation and revenue,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON of DeWitt, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 4, To amend Section 30, of Article 16, of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON of DeWitt, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
the Senate.*

SIR: Your Committee on Judicial
Districts, to whom was referred

Senate bill No. 144, being a bill to be
entitled "An Act to reorganize the
Twenty-seventh, Thirty-third and Thirty-
fifth Judicial Districts; to name the
counties composing the same; to fix the
terms of holding courts therein; to pro-
vide for the extension and return of pro-
cess issued out of said courts, and to re-
peal all laws and parts of laws in con-
flict therewith,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do* pass with the fol-
lowing amendment:

"Strike out the work 'May,' in Section
1, and insert in lieu thereof the word
'June.'"

HANGER, Chairman.

Senator Hauger sent in the following
committee reports for Senator Stafford,
Chairman of Judiciary Committee No. 1:

MAJORITY REPORT.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
Senate.*

SIR: Your Judiciary Committee No.
1, to whom was referred

Senate bill No. 164, being a bill to be
entitled "An Act relating to fines, for-
feitures and penalties due the State of
Texas; to provide for securing the pay-
ment thereof against corporations that
have been or may hereafter be dissolved,
and to provide for the survival of actions
and causes of actions therefor,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do* pass.

STAFFORD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
Senate.*

SIR: A minority of your Judiciary
Committee No. 1, to whom was referred

Senate bill No. 164, being a bill to be
entitled "An Act relating to fines, for-
feitures and penalties due the State of
Texas; to provide for securing the pay-
ment thereof against corporations that
have been or may hereafter be dissolved,

and to provide for the survival of actions
and causes of actions therefor,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do not* pass.

HANGER.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
Senate.*

SIR: Your Judiciary Committee No.
1, to whom was referred

Senate bill No. 170, being a bill to be
entitled "An Act authorizing county
judges to issue writs of attachments for
the detention and return of minors who
have gone beyond the control of their
guardians,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendations that it *do* pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
Senate.*

SIR: Your Judiciary Committee No.
1, to whom was referred

Senate bill No. 93, being a bill to be
entitled "An Act to amend Article 2313,
of Chapter 4, Title XL, of the Revised
Civil Statutes of Texas, 1895, as amend-
ed by an act of the Twenty-fifth Legis-
lature of the State of Texas, relating to
the introduction of certain abstracts of
titles as evidence,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the
Senate.*

SIR: Your Judiciary Committee No.
1, to whom was referred

Senate bill No. 163, being a bill to be
entitled "An Act to validate acknowl-
edgments to all instruments constituting
links in the chain of title, or affecting
the title to any lands in the State of
Texas, to quiet title to the same, and to
repeal all laws and parts of laws in con-
flict with the provisions of this act,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 158, being a bill to be entitled "An Act to refund to Q. F. Walker the amount of money erroneously paid by him on the purchase of certain lands, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Committee on Finance.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 127, being a bill to be entitled "An Act to amend Article 3294, Chapter 2, Title LXVI, of the Revised Civil Statutes of Texas, 1895, relating to the lien of mechanics, contractors, builders and material men, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

"Amend by adding in line 14, after the word 'whatever,' the following words: 'Under or by virtue of a contract with the owners.'"

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 165, being a bill to be entitled "An Act to provide for the appointment of receivers; authorizing the appointment thereof for the assets and property of any corporation that has or may be dissolved and of non-resident persons who are liable to the State of Texas, for any fines, forfeitures or penalties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, being a bill to be entitled "An Act to define civil libel, slander and defamation of character; defining privileged communications; providing for rules of evidence therein,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 98, being a bill to be entitled "An Act to amend Article 331, of Chapter 2, Title XIV, of the Revised Civil Statutes of Texas,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 126, being a bill to be entitled "An Act to amend Article 1443, of Chapter 20, of Title XXX, of the Revised Civil Statutes of 1895, of the State of Texas, so as to relieve boards of school trustees of the public school districts of this State, as well as executors, administrators and guardians appointed by the courts of this State, from the requirements of giving security for costs and for appeal and writ of error in suits and legal proceedings to which they may be parties in their fiduciary character, and declaring an emergency,"

And find the same correctly engrossed.

BEATY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Yett:

Senate bill No. 175, A bill to be entitled "An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurte-

nances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances, upon certain conditions; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads, and its or their franchises, to sell the same; to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railroads, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act as fixed, or as the same may be fixed by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof; to provide for the dismissal without prejudice of the pending suit to forfeit the charter of the Austin & Northwestern Railroad Company; and to authorize the Houston & Texas Central Railroad Company to construct, own and operate and maintain a railroad from a connection with the Austin & Northwestern Railroad in Burnet county to the town of Lampasas."

Read first time, and referred to Committee on Internal Improvements.

By Senator Beaty:

Senate bill No. 176, A bill to be entitled "An Act to amend Chapter 94, of the Acts of the Twenty-fifth Legislature, passed at its Regular Session, 1897, by adding to said act Sections 5, 6 and 7; Section 5 providing for the interchange of cash for securities, or securities for cash deposited with the State Treasurer, at the option of such companies as are mentioned in this act; Section 6 authorizing the State Treasurer, upon warrant of the Comptroller, to return to any such company as is mentioned in this act the cash or securities deposited with the State Treasurer, when such company ceases to do business in this State and shall satisfy the Comptroller that it has no liability in this State; Section 7 declaring an emergency and providing that this act shall take effect from and after its passage."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of DeWitt for Senator Stafford:

Senate bill No. 177, A bill to be entitled "An Act to amend Article 3978, Title

LXXXVI, Section 75, of the Revised Statutes of the State of Texas, relating to diplomas and certificates of certain colleges."

Read first time, and referred to Committee on Educational Affairs.

By Senator Turney:

Senate bill No. 178, A bill to be entitled "An Act to amend Title XV, Chapter 3, Article 1109, of the Code of Criminal Procedure, relating to costs paid by counties to county judges."

Read first time, and referred to Committee on State Affairs.

By Senator Staples:

Senate bill No. 179, A bill to be entitled "An Act to make theft of cotton of value of twenty dollars or over a felony."

Read first time, and referred to Judiciary Committee No. 2.

The Chair then declared the morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 8, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 48, A bill to be entitled "An Act to repeal Section 4 of 'An Act to provide for the establishment, maintenance and government of a State normal school to be located at Denton, Texas, and to be known as the North Texas Normal College,' approved March 31, 1899, and to enact in lieu thereof the following, and to declare an emergency," with amendments.

Also the House has adopted Senate Concurrent Resolution No. 7.

Also the appointment of the following committee in accordance with House Concurrent Resolution No. 2, already adopted: Messrs. Lane, Morrow and Moran.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

COMMUNICATION FROM THE GOVERNOR.

The Chair then laid the following communication from the Governor before the Senate:

EXECUTIVE OFFICE,

STATE OF TEXAS.

Austin, February 5, 1901.

To the Honorable, The Lieutenant-Governor:

Will you please notify the Senators to

prepare and send to me their lists of persons, with their addresses, whom they desire appointed notaries public in their respective districts? Blank lists will be sent to the Sergeant-at-Arms for the use of Senators.

Yours truly,
JOSEPH D. SAYERS,
Governor.

SENATE BILL NO. 86—MOTION TO RECONSIDER VOTE.

Senator Potter entered a motion to reconsider and spread on the Journal the vote by which the Senate, on yesterday, passed

Senate bill No. 86, A bill to be entitled "An Act to amend Articles 5127, 5128 and 5166, of the Revised Statutes of the State of Texas, relating to the matter of furnishing blanks, rolls and tax receipts for the assessment, rendition and collection of taxes to the various assessors and tax collectors of the counties in this State."

The bill having been delivered to the House of Representatives, on further motion of Senator Potter, the House was requested to return the same.

SENATE BILL NO. 48—HOUSE AMENDMENTS CONCURRED IN.

Senator Savage called up Senate bill No. 48 (see first House message above), and moved that the Senate concur in the following House amendments:

"Amend by striking out lines 22 to 26, inclusive, of the bill, and inserting in lieu thereof the following:

"Section 1. That Section 4 of an act entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at Denton, Texas, and to be known as the North Texas Normal College," being Chapter 53 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, approved March 31, 1899, be amended so as to hereafter read as follows."

"Amend by striking out all of the caption after the words 'An Act,' in line 16, and inserting in lieu thereof the following: 'To amend Section 4 of an act entitled "An Act to provide for the establishment, maintenance and government of a State normal school, to be located at Denton, Texas, and to be known as the North Texas Normal College," being Chapter 53 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, approved March 31, 1899, and to regu-

late admission of students to said college, and provide for the maintenance of the same, and to declare an emergency.'"

Motion to concur in House amendments prevailed by the following vote:

Yeas—18.

Beaty.	Potter.
Davidson of	Savage.
DeWitt.	Sebastian.
Davidson of	Staples.
Galveston.	Turner.
Dibrell.	Turney.
Hanger.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Miller.	Yett.

Nays—3.

Grinnan.	Paulus.
Patterson.	

Present—Not voting.

McGee.

Absent.

Johnson.	Odell.
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Absent—Excused.

Goss.	Neal.
Harris of Bexar.	Stafford.
Harris of Hunt.	Swann.
Lloyd.	

Senator Savage moved to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 48 and lay that motion on the table. Motion to table prevailed.

SENATE BILL NO. 37—REGULAR ORDER.

The Chair then laid before the Senate, the regular order, on its third reading, Senate bill No. 37, A bill to be entitled "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to the public school curriculum."

Bill was read third time, and

Senator Wheeler offered the following amendment:

"Amend by adding in line 13 of printed bill the word 'geography' and the word 'composition.'"

Amendment was read, and adopted.

Senator Grinnan offered the following amendment:

"Amend by adding after the word 'geography,' in line 13, the following: 'Constitutional history of the Confederate States of America.'"

Senator Davidson of DeWitt offered the following amendment to the amendment:

"Amend by adding to the amendment

the following: 'As taught by A. H. Stevens, of Georgia.'"

Action recurring on the foregoing amendment to the amendment, Senator Davidson of DeWitt withdrew the same.

Action recurring on the amendment by Senator Grinnan,

Senator Staples offered the following amendment to the amendment:

"Amend by adding 'the history of the late unpleasantness with Spain, and a history of the Snake rebellion in the Territory.'"

Action recurring on the foregoing,

Senator Sebastian offered the following substitute for both pending amendments:

"Amend by adding after the word 'geography,' in line 13, the following: 'Constitutional history of the Confederate States of America as taught by Jefferson Davis and Alexander H. Stephens.'"

Senator Miller moved to table the substitute and both pending amendments, upon which motion a roll call was demanded.

The roll call developed no quorum present, the following Senators answering to their names:

Yeas—11.

Dibrell.	Savage.
Hanger.	Turner.
James.	Turney.
Miller.	Wilson.
Patterson.	Yett.
Potter.	

Nays—8.

Davidson of	Sebastian.
DeWitt.	Staples.
Grinnan.	Wayland.
Lipscomb.	Wheeler.
Paulus.	

Absent.

Beaty.	Johnson.
Davidson of	McGee.
Galveston.	Odell.

Absent—Excused.

Goss.	Neal.
Harris of Bexar.	Stafford.
Harris of Hunt.	Swann.
Lloyd.	

(Senator Staples in the chair.)

Senator Turney moved a call of the Senate for the purpose of securing a quorum, which being duly seconded, the doors were ordered closed and the roll called. The following Senators answered to their names:

Present—21.

Davidson of	Dibrell.
DeWitt.	Grinnan.

Hanger.	Savage.
James.	Sebastian.
Johnson.	Staples.
Lipscomb.	Turner.
McGee.	Turney.
Miller.	Wayland.
Patterson.	Wheeler.
Paulus.	Wilson.
Potter.	Yett.

Absent—3.

Beaty.	Odell.
Davidson of	
Galveston.	

Absent—Excused.

Goss.	Neal.
Harris of Bexar.	Stafford.
Harris of Hunt.	Swann.
Lloyd.	

SECOND HOUSE MESSAGE.

A quorum having been secured, and announced, the following House message was delivered:

Hall of the House of Representatives,
Austin, Texas, February 8, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has granted the request of the Senate and hereby returns Senate bill No. 86.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

ADJOURNMENT.

On motion of Senator Turney, the Senate, at 11:35 o'clock a. m., adjourned until 10 o'clock a. m. Tuesday, February 12, 1901, with Senate bill No. 37 (see caption above) pending.

TWENTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 12, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—24.

Beaty.	Harris of Bexar.
Davidson of	James.
Galveston.	Johnson.
Dibrell.	Lloyd.
Goss.	McGee.
Grinnan.	Patterson.
Hanger.	Paulus.